



Via Email

July 27, 2020

Barbara Neal  
Executive Director  
Vermont E-911 Board  
100 State Street  
Montpelier, VT 05620-6501

Re: Draft Proposed Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies (Rev. 8) – dated and emailed July 22, 2020

Dear Barbara,

By this letter, Comcast and Charter respectfully provide comments on the Vermont Enhanced 911 Board's ("E-911 Board") draft revisions to its outage reporting rules emailed to stakeholders on July 22, 2020 along with Staff comments. First, Comcast and Charter appreciate the E-911 Board's consideration of their comments dated July 17, 2020<sup>1</sup> and the clarification that the earliest it will be able to adopt the rules is December 1, 2020.<sup>2</sup>

Second, regarding confidentiality, the revised draft finds the call back telephone numbers of any subscribers that attempt to reach 911 but were unable to do so due to a network outage are confidential in nature and, thus, will be presumed to be non-public by the E-911 Board.<sup>3</sup> However, this presumption should be extended to protect the privacy of 911 callers that do not want the public to know they called 911 regardless of the reason for that call – whether for medical reasons, contacting law enforcement, or otherwise, including to protect the privacy of those with non-published numbers or those protected by restraining orders. Public release of call back

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<sup>1</sup> Comcast and Charter endorse (1) the removal of the phrase "but not limited to" in Section 3.5.1 of Rev. 8 as consistent with the statute (formerly §3.4.1); and, (2) the removal of the requirement to report the location of the affected facility in initial outage (§4.3.1 – formerly §4.1.2) and restoration reports (§4.3.2 – formerly §4.1.3) applicable to Originating Carriers.

<sup>2</sup> The Staff comments indicate the E-911 Board needs to initiate a new rulemaking to meet the requirements of Act 125 and the date for final adoption of the rule is unknown. The Staff comments continue that the new rulemaking timeline suggests the Board would be able to adopt the rule no sooner than December 1, 2020. E-911 Board Staff Outage Reporting Rule – Comments and Responses by Commenter, Comment ID#119 on §7.

<sup>3</sup> Revised §4.3.2 governing Restoration Reports. Comcast and Charter reiterate that the entirety of originating carrier initial outage and restoration reports to the E-911 Board must be presumptively confidential.

numbers in these instances could potentially act as a back door that exposes non-listed and non-published numbers and also could subject 911 callers to unwanted inquiries by the media or any number of other entities. Indeed, the call back numbers are the same information that currently exists in the E-911 Board's database that is exempt from public disclosure under 30 V.S.A §7059(c).<sup>4</sup> The call back numbers should be treated accordingly.

Comcast and Charter continue to recommend that these call back numbers be excluded from restoration reports. Rather, Originating Carriers could identify on the restoration form whether there were any calls that failed to reach 911 – Yes or No – and then provide call back numbers, if any and if available, in response to a follow-up request of the E-911 Board with the response treated as exempt from public disclosure.<sup>5</sup> If the E-911 Board insists on call back numbers being provided in restoration reports, then the call back numbers should be reported separately from the rest of the information in the reports and deemed exempt from public disclosure. This will avoid Originating Carriers from having to “mark” different sections of the same part of the report.

Third, Comcast and Charter agree with the E-911 Board's designation of the Contact Name and Contact Phone and 24/7 Contacts of Originating Carriers as presumptively non-public. Originating Carriers can respond to inquiries from the E-911 Board, but public disclosure of the contact information could lead to unintended harassment of company contact personnel.

Fourth, the E-911 Board also requested comment on whether initial outage reports and restoration reports should be required within one hour instead of two hours of discovery or outage resolution, respectively.<sup>6</sup> Comcast and Charter will provide reports as soon as available, but strongly oppose reducing reporting to within one hour which may not be feasible in all circumstances. For over a year, the E-911 Board's proposed rules have contained a two-hour requirement without objection from any stakeholder. The currently proposed two-hour requirement is far shorter than the FCC's outage reporting timeline.<sup>7</sup> Also, §4.2(B) of the draft revised rules of July 22, 2020 would require reporting of any network outage that lasts at least 30 minutes and potentially limits or prevents at least 50% of subscribers in a ZIP code with fewer than 100 subscribers, from completing calls to, or communicating with, 911. For example, if an Originating Carrier has 20 voice subscribers in a zip code, it will be required to report an outage affecting 10 subscribers. This is very detailed reporting level that requires time to verify and complete and more than justifies a two-hour reporting window.<sup>8</sup>

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<sup>4</sup> The call back numbers are no different than numbers and street addresses (ANI ALI – defined in 30 V.S.A §7051) in the E-911 Board database exempt from disclosure under 30 V.S.A §7059(c). *See also* 30 V.S.A. §7055(b).

<sup>5</sup> This is a reasonable approach because for outages where the customer has no dial tone, the Originating Carriers will not receive any call data to know if subscribers tried to call 911. At best, it may be possible for the Originating Carrier to identify incompleting 911 calls for outages involving transport to the 911 system.

<sup>6</sup> Revised §§4.3 and 4.3.1 contain a two-hour requirement or “as soon as reasonably possible”.

<sup>7</sup> *See, e.g.*, 47 C.F.R. §4.9(g) (requiring interconnected VoIP service providers to provide notification of most outages within twenty-four hours of discovery).

<sup>8</sup> The requirement for this type of detailed reporting underscores the importance in revised §7.1 of mandatory reporting occurring six months after final rule adoption. In this regard, it should be noted that Vermont zip codes are much less likely to have 100 subscribers than California zip codes thus requiring more preparation for detailed reporting. The E-911 Board may want, after it gains experience with receiving detailed reports, to reconsider whether they are truly useful in terms of becoming apprised of system outages.

In conclusion, Comcast and Charter request that the E-911 Board treat call back numbers in restoration reports as exempt from public disclosure and retain the two-hour requirement for initial outage and restoration reports.

Please feel free to contact us with any questions.

Respectfully submitted,

COMCAST

A handwritten signature in black ink, appearing to read 'JG White'.

James G. White, Jr.  
Senior Director Regulatory Affairs  
[james\\_white3@cable.comcast.com](mailto:james_white3@cable.comcast.com)  
617-279-5593

CHARTER

A handwritten signature in black ink, appearing to read 'Michael A. Chowaniec'.

Michael A. Chowaniec  
Vice President, State Government Affairs  
Charter Communications  
[Michael.chowaniec@charter.com](mailto:Michael.chowaniec@charter.com)  
203-705-5551